IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 30TH JULY 2007 / 8TH SRAVANA 1929

Bail Appl..No. 4605 of 2007()

CRLMP.2391/2007 of D.C. & SESSIONS COURT,KOLLAM
CRIME NO. 169/97 of ANCHAL POLICE STATION

.....

APPLICANT/ACCUSED NO.2

CHARLEY, S/O MOHAMED MUSTAFA,
SHAJEELA MANZIL, POREDAM MURI,
CHANDAYAMANGALAM VILLAGE.

BY ADV. SRI.ALAN PAPALI
SRI.PRASUN.S

RESPONDENTS: COMPLAINANT

STATE OF KERALA, REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,ERNAKULAM.

BY ADV. SRI. JAI GEORGE, PUBLIC PROSECUTOR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 30/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

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B.A.No.4605 of 2007

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Dated this the 30th day of July, 2007

ORDER

Application for regular bail. The petitioner faces allegations, inter alia, under Section 376 IPC. The crime was registered as early as in 1998. Investigation is complete. Final report has already been filed. Sessions case was registered in 2002. The petitioner was not available for trial. Warrants of arrest were issued against the petitioner. At long last, his presence was secured on 3.7.07 and he continues in custody from that date.

2. The learned counsel for the petitioner prays, the learned Public Prosecutor does not oppose the said prayer, on condition that appropriate safe guards are insisted to ensure that the petitioner shall be available for trial on the different dates of posting and I am satisfied that subject to appropriate and strict conditions, the petitioner can now be enlarged on bail.

3. In the result, this application is allowed. The petitioner shall be released on bail on the following terms and conditions.

i) The petitioner shall execute a bond for Rs.1,50,000/- (Rupees One lakh fifty thousand only) with two solvent sureties

each for the like sum to the satisfaction of the learned Asst.Sessions Judge;

ii) The petitioner shall surrender his passport, if any. If he has no passport, an affidavit to that effect shall be filed before the learned Asst.Sessions Judge;

iii) The petitioner shall make himself available before the Investigating Officer between 10 a.m and 12 noon on all Sundays until the case against him is finally disposed of.

iv) The petitioner shall not leave the Sessions Division of Kollam, without prior permission of the learned Asst.Sessions Judge, Kottarakkara, till the case against him is finally disposed of.

(R.BASANT, JUDGE)

sj